

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PAULA PHENNEGER

(b) County of Residence of First Listed Plaintiff Lancaster
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Mansour Law, LLC
 1101 W. Hamilton St., Ste. 205
 Allentown, PA 18101 (610) 321-3538

DEFENDANTS

UNIQUE INNS OF LANCASTER, LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (*If Known*)
 Kaufman Dolowich & Voluck
 930 Harvest Drive, Ste. 420
 Blue Bell, PA 19422

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 340 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION	FEDERAL TAX SUITS			
	<input type="checkbox"/> 462 Naturalization Application			
	<input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
 42 U.S.C. Sec. 2000e, et seq.

VI. CAUSE OF ACTION

Brief description of cause:
 Sex and National Origin Discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
 UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/05/2022

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____ 8 Bradford Drive, Leola, PA 17540

Address of Defendant: _____ 50 Wynwood Drive, Mountville, PA 17554

Place of Accident, Incident or Transaction: _____ Lancaster, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/05/2022

William P. Mansour
Not sign here if applicable

318833

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

I, William P. Mansour, counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

William P. Mansour
Not sign here if applicable

318833

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

PAULA PHENNEGER	:	CIVIL ACTION
	:	
v.	:	
	:	
UNIQUE INNS OF LANCASTER, LLC	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>08/05/2022</u>	<u>William P. Mansour</u>	<u>Paula Phenneger</u>
Date	Attorney-at-law	Attorney for
<u>(610) 321-3538</u>	<u>(610) 798-1345</u>	<u>wpm@themansourfirm.com</u>
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PAULA PHENNEGER,)
Plaintiff,)
v.) Civil Action No. _____
UNIQUE INNS OF LANCASTER, LLC)
d/b/a FULTON STEAMBOAT INN,)
Defendant.)

COMPLAINT

NOW COMES, Plaintiff PAULA PHENNEGER (“Plaintiff”), by and through her undersigned counsel, who hereby complains against Defendant UNIQUE INNS OF LANCASTER, LLC d/b/a FULTON STEAMBOAT INN (“Defendant”) as follows:

INTRODUCTION

1. This action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”). Specifically, as set forth in more detail herein, Plaintiff alleges that Defendant subjected her to a hostile work environment based on her sex and national origin, which culminated in her constructive discharge.

PARTIES

2. Plaintiff is an adult individual currently residing at 8 Bradford Drive, Leola, PA
17540.

3. Plaintiff is a female of French and Algerian national origin.

4. Defendant owns and operates several inns and restaurants throughout Lancaster County, PA and the surrounding areas, including Fulton Steamboat Inn and Huckleberry's Restaurant & Tavern in Lancaster, PA. It's registered office address is located at 50 Wynwood Drive, Mountville, PA 17554.

5. At all times relevant and material hereto, Defendant employed at least 15 employees for each working day during each of 20 or more working weeks in 2021 and 2022.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 because this action arises under the laws of the United States.

7. This Court has personal jurisdiction over Defendant because Plaintiff's claims arise out of Defendant's purposeful business contacts with Pennsylvania.

8. Venue in this district is proper under 28 U.S.C. § 1331(b)(1)-(2) because Defendant regularly conducts business within this district and because the events giving rise to Plaintiff's causes of action arose in this district.

9. On or about November 23, 2021, Plaintiff filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) alleging, *inter alia*, sex and national origin discrimination.

10. On May 9, 2022, the EEOC issued Plaintiff a Notice of Right to Sue, a copy of which is attached hereto as **EXHIBIT A**.

11. Plaintiff has satisfied all other conditions precedent to the filing of this action.

FACTUAL ALLEGATIONS

12. Defendant hired Plaintiff as an Executive Chef at Huckleberry's Restaurant & Tavern in Fulton Steamboat Inn in 2017.

13. Beginning in or around June 2020 and continuing through her constructive discharge on or about February 15, 2021, Plaintiff was subjected to a severe and pervasive pattern of discriminatory and harassing conduct by one of her co-workers, Dustin Doster, and Huckleberry's General Manager, Jennifer Buchter, based on her French and Algerian national origin and sex, including, without limitation, the following:

a. Mr. Doster would regularly (at least 2-3 times per week) tell Plaintiff that "the French smelled like fish," that Plaintiff should "close [her] legs

because it smells like fish,” and that Plaintiff “smells like a French whore” each time Plaintiff would be portioning salmon or other kinds of fish in the kitchen;

- b. Mr. Doster would repeatedly make fun of Plaintiff’s French accent;
- c. Mr. Doster would repeatedly make offensive comments or “jokes” about Plaintiff’s French nationality and would tell her to “go back to [her] country if [she] can’t take a joke”;
- d. In October 2020, when Plaintiff asked Ms. Buchter about getting RAMP certified so she could bartend as needed, Ms. Buchter responded that Plaintiff cannot bartend because “it wouldn’t be a good look for the company”;
- e. Beginning in mid-October 2020, Ms. Buchter excluded Plaintiff from all meetings with the kitchen and front-of-the-house departments, despite the fact that Plaintiff, as Executive Chef, was responsible for managing and supervising kitchen staff;
- f. Beginning in mid-October 2020, Ms. Buchter would come into the kitchen every day and openly undermine Plaintiff’s authority in front of her subordinates, even going as far as telling them to ignore any directions from Plaintiff;
- g. Beginning in mid-October 2020, Ms. Buchter removed all of Plaintiff’s memos posted in the kitchen and replaced them with new memos from herself and Mr. Doster;
- h. Beginning in November 2020, Ms. Buchter ordered Plaintiff not to interact with restaurant guests anymore, as was her usual custom, because “no one can understand [her] accent” and “it wasn’t a good image for the restaurant”;

- i. Beginning in November 2020, Ms. Buchter began stripping Plaintiff of her supervisory authority to hire, fire, and discipline kitchen staff and ordered kitchen staff not to take direction from Plaintiff;
- j. On December 14, 2020, Ms. Buchter again reminded Plaintiff during a meeting in her office that she is prohibited from interacting with restaurant guests “because of [her] accent”;
- k. On November 3, 2020, Ms. Buchter asked Plaintiff if she voted and when Plaintiff answered that she could not vote because she is not a citizen, Ms. Buchter replied: “Oh, you’re one of those”;
- l. On or about January 14, 2021, Ms. Buchter met with Plaintiff and informed her that she was placing ads on Indeed for new kitchen staff and specifically mentioned that she wants “White Caucasian young males to work in the kitchen”;
- m. On or about January 18, 2021, Ms. Buchter confronted Plaintiff about an interaction she had with one of the cooks, and when Plaintiff responded that she was not responsible for the cook’s comments, Ms. Buchter replied: “That’s why we shouldn’t have women running the kitchen” and that Plaintiff “was a typical arrogant French chef, who I can’t stand.”

14. Between June 2020 and October 15, 2020, Plaintiff verbally complained to Ms. Buchter numerous times about Mr. Doster’s discriminatory and harassing conduct. Each time, Ms. Buchter told Plaintiff that she should ignore Mr. Doster because he was “just joking” and “was immature.”

15. Defendant never investigated Plaintiff’s allegations of sex and national origin discrimination against Mr. Doster.

16. Defendant took no steps to prevent or correct Mr. Doster’s discriminatory conduct towards Plaintiff.

17. Due to Mr. Doster's discriminatory and harassing conduct, Plaintiff attempted to resign her position on or about October 15, 2020.

18. However, Steven Sikking, one of Defendant's owners, convinced Plaintiff not to resign and assured her that the issues between herself, Mr. Doster, and Ms. Buchter would be resolved. However, as detailed above, Mr. Doster's and Ms. Buchter's discriminatory and harassing conduct continued through February 15, 2021.

19. On or about January 27, 2021, Ms. Buchter informed Plaintiff that she was placing ads on Indeed for two (2) Sous Chefs. The job description for each ad included managerial duties that had previously been performed by Plaintiff, including training and directing kitchen personnel, placing orders, scheduling staff, and other managerial tasks.

20. In addition, the draft ads stated that the starting pay for the Sous Chef positions would be \$20 per hour, roughly the same as Plaintiff was earning after nearly four (4) years as Executive Chef.

21. After reading the draft ads, Plaintiff informed Ms. Buchter that she believed Defendant only needed one (1) new Sous Chef, that she thought the starting pay for the position was too high, and that the duties listed are more appropriate for an Executive Chef than a Sous Chef.

22. In early February 2021, Defendant hired two (2) white Caucasian male Sous Chefs, both of whom were far less experienced and knowledgeable than Plaintiff. Upon information and belief, both Sous Chefs were paid the same or similar wages as Plaintiff.

23. Given Mr. Doster's and Ms. Buchter's continuing discrimination and harassment in conjunction with Ms. Buchter's decision to diminish Plaintiff's managerial authority and hire two (2) Sous Chefs to share some of her job duties, on February 15, 2021, Plaintiff sent an email to Mr. Sikking and Ms. Buchter informing them that she was resigning her position and giving her two (2) weeks' notice.

24. The next day, on February 16, 2021, Mr. Sikking (with Ms. Buchter on the same line) called Plaintiff and informed her that he received her resignation email and that, if she changed her resignation date to February 15, 2021, Defendant would provide a future professional reference. Mr. Sikking then stated that, if Plaintiff refused to change her resignation date, she would be discharged immediately for allegedly using a “racial slur” while at work on February 6, 2021.

25. Plaintiff refused to change her resignation date and was immediately discharged by Defendant on February 16, 2021.

26. Mr. Sikking and Ms. Buchter had been planning to discharge Plaintiff as early as December 2020 and concocted a false allegation of racial discrimination to create a pretextual justification for her discharge on February 16, 2021.

27. Plaintiff never used a racial slur while at work on February 6, 2021.

COUNT I
HOSTILE WORK ENVIRONMENT (NATIONAL ORIGIN)
IN VIOLATION OF TITLE VII

28. Plaintiff incorporates by reference all preceding paragraphs as if same were set forth more fully at length herein.

29. Plaintiff is of French and Algerian national origin and, at all times relevant and material hereto, Defendant – including Mr. Doster and Ms. Buchter – had knowledge of same.

30. Plaintiff suffered regular and pervasive discriminatory treatment and harassment at the hands of Mr. Doster and Ms. Buchter because of her national origin, as alleged more fully in paragraph 13(a)-(m).

31. Plaintiff was offended and embarrassed by the above-described discriminatory and harassing conduct and considered it unwelcome, hostile, and abusive.

32. A reasonable person would have been objectively offended by the above-described discriminatory and harassing conduct and would have considered it unwelcome, hostile, and abusive.

33. Defendant knew, or should have known, about Mr. Doster's and Ms. Buchter's discriminatory and harassing conduct towards Plaintiff, but failed to take prompt remedial action to correct and prevent such conduct.

34. At all times relevant and material hereto, Ms. Buchter was Plaintiff's supervisor and had authority to fire, direct, and discipline Plaintiff.

35. Ms. Buchter's discriminatory and harassing conduct towards Plaintiff culminated in Plaintiff's discharge on February 16, 2021.

36. As a direct and proximate result of the hostile work environment created by Defendant, Plaintiff suffered severe embarrassment, humiliation, emotional distress, and mental anguish.

37. Defendant purposefully or recklessly permitted Plaintiff to be subjected to a hostile work environment based on her national origin in violation of federal law.

WHEREFORE, Plaintiff Paula Phenneger respectfully requests that this Honorable Court enter judgment in her favor and against Defendant and award the following relief:

- a. Compensatory damages in an amount to be determined by a jury;
- b. Punitive damages in an amount to be determined by a jury;
- c. All costs of suit and reasonable attorney's fees; and
- d. Any other relief deemed proper and just.

COUNT II
HOSTILE WORK ENVIRONMENT (SEX)
IN VIOLATION OF TITLE VII

38. Plaintiff incorporates by reference all preceding allegations as if same were set forth more fully at length herein.

39. Plaintiff is female.

40. Plaintiff suffered regular and pervasive discriminatory treatment and harassment at the hands of Mr. Doster and Ms. Buchter because of her sex, as alleged more fully in paragraph 13(a)-(m).

41. Plaintiff was offended and embarrassed by the above-described discriminatory and harassing conduct and considered it unwelcome, hostile, and abusive.

42. A reasonable person would have been objectively offended by the above-described discriminatory and harassing conduct and would have considered it unwelcome, hostile, and abusive.

43. Defendant knew, or should have known, about Mr. Doster's and Ms. Buchter's discriminatory and harassing conduct towards Plaintiff, but failed to take prompt remedial action to correct and prevent such conduct.

44. At all times relevant and material hereto, Ms. Buchter was Plaintiff's supervisor and had authority to fire, direct, and discipline Plaintiff.

45. Ms. Buchter's discriminatory and harassing conduct towards Plaintiff culminated in Plaintiff's discharge on February 16, 2021.

46. As a direct and proximate result of the hostile work environment created by Defendant, Plaintiff suffered severe embarrassment, humiliation, emotional distress, and mental anguish.

47. Defendant purposefully or recklessly permitted Plaintiff to be subjected to a hostile work environment based on her sex in violation of federal law.

WHEREFORE, Plaintiff Paula Phenneger respectfully requests that this Honorable Court enter judgment in her favor and against Defendant and award the following relief:

- a. Compensatory damages in an amount to be determined by a jury;
- b. Punitive damages in an amount to be determined by a jury;
- c. All costs of suit and reasonable attorney's fees; and
- d. Any other relief deemed proper and just.

COUNT III
CONSTRUCTIVE DISCHARGE IN VIOLATION OF TITLE VII

48. Plaintiff incorporates by reference all preceding allegations as if same were set forth more fully at length herein.

49. The regular and pervasive harassment against Plaintiff by Mr. Doster and Ms. Buchter based on her sex and national origin, and Defendant's failure to remedy same, made Plaintiff's work environment so hostile and abusive that it interfered with her ability to do her job and compelled her to resign.

50. Any reasonable person in Plaintiff's position would have also felt compelled to resign.

51. As a direct and proximate result of her constructive discharge, Plaintiff suffered past and future lost wages and loss of earning capacity.

52. As a direct and proximate result of her constructive discharge, Plaintiff suffered severe embarrassment, humiliation, emotional distress, and mental anguish.

53. Defendant purposefully or recklessly permitted Plaintiff to be subjected to a hostile work environment based on her sex and national origin, resulting in her constructive discharge, in violation of federal law.

WHEREFORE, Plaintiff Paula Phenneger respectfully requests that this Honorable Court enter judgment in her favor and against Defendant and award the following relief:

- a. Back pay from February 15, 2021 through the present, plus pre- and post-judgment interest;
- b. Front pay from the date of judgment through a date deemed equitable by the Court;
- c. Compensatory damages in an amount to be determined by a jury;
- d. Punitive damages in an amount to be determined by a jury;
- e. All costs of suit and reasonable attorney's fees; and

f. Any other relief deemed proper and just.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff PAULA PHENNEGER hereby demands a trial by jury for all claims and issues so triable.

Respectfully Submitted,

MANSOUR LAW, LLC

Dated: August 5, 2022

BY: /s/ William P. Mansour
William P. Mansour, Esquire
Pa. Atty. ID No. 318833
1101 W. Hamilton St., Ste. 205
Allentown, PA 18101
Tel: (610) 321-3538
Fax: (610) 798-1345
Email: wpm@themansourfirm.com

Attorney for Plaintiff Paula Phenneger